IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 800 OF 2007

in

APPEAL (LODGING) NO.1079 OF 2006

IN

CHAMBER SUMMONS NO. 1519 OF 2003

IN

SUIT NO. 1014 OF 1982

Sajjan India Ltd. ... Appellant

Vs.

Bombay Dye-chem Industries. ... Respondent

Mr. K.P.Madhusoodanan Nair for appellant.

Ms. Sucharita Patro for respondent.

CORAM: D.K.DESHMUKH &

J.H.BHATIA,JJ.

DATE : 26th July, 2007.

P.C.

1. Assuming that there is sufficient cause shown for condonation of delay in filing the appeal, we have heard learned Counsel appearing for the appellant on merit. We find that what is challenged in this Appeal is an order passed by the learned Single Judge

permitting the plaintiff to substitute the name of the defendant. In view of the Judgment of the Supreme Court in the case of **Shah Babulal Khimji vs. Jayaben D. Kania and another**, reported in (1981) 4 SCC 8, the order impugned does not amount to a judgment within the meaning of Clause 15 of the Letters Patent of the Bombay High Court, the Appeal is not maintainable.

The Motion and the Appeal are disposed of.

(D.K.DESHMUKH,J.)

(J.H.BHATIA,J.)